

ADAMS, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STEVEN E. THORN

Petitioner,

v.

UNITED STATES OF AMERICA,

Defendant.

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CASE NOS. 1:08CV827  
1:05CR579

JUDGE JOHN R. ADAMS

ORDER

(Resolves Doc. 177)

This matter appears before the Court on Petitioner's motion for a certificate of appealability. Doc. 177. For the reasons stated herein, the motion is DENIED.

Congress has determined that a prisoner seeking post-conviction relief under 28 U.S.C. § 2254 has no automatic right to appeal a district court's denial or dismissal of the petition. *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). To file an appeal, a petitioner must obtain a COA. *Id.* A petitioner seeking a COA must show a "substantial showing of the denial of a constitutional right." *Id.* (quoting 28 U.S.C. § 2253(c)(2)). A district court grants a COA when "jurists of reason could disagree with the district court's resolution of [the petitioner's] constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Id.*

In denying the petition filed in this matter, the Court found no merit in any of the alleged errors asserted. Doc. 172. In so doing, the Court found that a COA should not issue.

Petitioner's motion adds nothing that would cause the Court to reconsider that determination. Accordingly, the motion is DENIED.

The Court again finds that pursuant to 28 U.S.C § 1915(a)(3), Petitioner may not take an appeal from this decision in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

September 11, 2008  
Date

/s/ John R. Adams  
John R. Adams  
U.S. District Judge